

1-21-05

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ashkenazi, et al. Docket No.: 39780-2730P1C34
Serial No.: 09/998,041 Group Art Unit: 1647
Filing Date: November 15, 2001 Examiner: Wegert, Sandra L.
For: **SECRETED AND TRANSMEMBRANE POLYPEPTIDES AND
NUCLEIC ACIDES ENCODING THE SAME**
Express Mail Label No.: EL 977 611 365 US
Mailing Date: January 18, 2005

NOTICE OF APPEAL

Mail Stop AF
Commissioner for Patent
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:


Applicant hereby appeals to the Board of Appeals from the decision dated October 18, 2004 of the Primary Examiner finally rejecting Claims 119-123. The item(s) marked below are appropriate:

☒ Filing Fee:

☐ \$250.00 (small entity)
☒ \$500.00 (large entity)

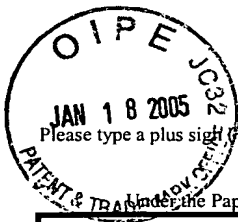
☒ The Commissioner is authorized to charge filing fee, additional fees or credit overpayment to Deposit Account No. 08-1641 (39780-2730P1C34).

Date: January 18, 2005

By: 
Ginger R. Dreger, Esq.
Reg. No. 33,055

HELLER EHRMAN WHITE & McAULIFFE LLP

Customer No. **35489**
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Please type a plus sign (+) inside this box ☐

PTO/SB/21 (6-99)

Approved for use through 09/30/2000. OMB 0651-0031
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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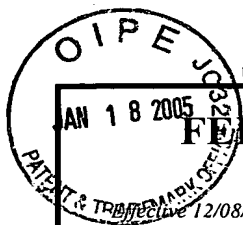
| | | | |
|--|-----------------------------|-------------------------------|-----------------|
| TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i> | Application Number | 09/998,041 | |
| | Filing Date | November 15, 2001 | |
| | First Named Inventor | Ashkenazi, et al. | |
| | Group/Art Unit | 1647 | |
| | Examiner Name | Wegert, Sandra L. | |
| Total Number of Pages in This Submission | | Attorney Docket Number | 39780-2730P1C34 |

| ENCLOSURES (check all that apply) | | |
|--|---|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Version with Markings Showing Changes <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund | <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to Group— Notice of Appeal <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below): stamped return postcard |
| Remarks | | |
| AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT 08-1641 FOR ANY FEES DUE IN CONNECTION WITH THIS PAPER (Reference Atty. Docket No. 39780-2730P1C34). | | |

| SIGNATURE OF APPLICANT, ATTORNEY OR AGENT | | | |
|---|--|-------------------------|-------|
| Firm or Individual name | GINGER R. DREGER, REG. NO. 33,055, HELLER EHRMAN WHITE & McAULIFFE LLP | | |
| Signature | | | |
| Date | JANUARY 18, 2005 | Customer Number: | 35489 |

| CERTIFICATE OF EXPRESS MAILING | | | |
|---|---------------|-------------|------------------|
| I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated below and addressed to: Mail Stop AE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 | | | |
| Express Mail Label EL 977 611 365 US | | | |
| Typed or printed name | CHERYL ROGERS | | |
| Signature | | Date | JANUARY 18, 2005 |

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**FEE TRANSMITTAL
for FY 2005**

Effective 12/08/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27TOTAL AMOUNT OF PAYMENT (\$)**500.00****Complete if Known**

| | |
|----------------------|-------------------|
| Application Number | 09/998,041 |
| Filing Date | November 15, 2001 |
| First Named Inventor | Ashkenazi, et al. |
| Examiner Name | Wegert, Sandra L. |
| Art Unit | 1647 |
| Attorney Docket No. | 39780-2730P1C34 |

METHOD OF PAYMENT (check one)☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit Account Number **08-1641 (Docket No. 39780-2730P1C34)**Deposit Account Name **Heller Ehrman White & McAuliffe LLP**

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments
☒ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description | Fee Paid |
|----------------|-----------------|----------------|-----------------|------------------------|----------|
| 1001 | 300 | 2001 | 150 | Utility filing fee | |
| 1002 | 350 | 2002 | 175 | Design filing fee | |
| 1003 | 550 | 2003 | 275 | Plant filing fee | |
| 1004 | 790 | 2004 | 395 | Reissue filing fee | |
| 1005 | 200 | 2005 | 100 | Provisional filing fee | |

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|----------|
| Total Claims | -20** = | x | = |
| Independent Claims | -3** = | x | = 0 |
| Multiple Dependent | | | = 0 |

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description |
|----------------|-----------------|----------------|-----------------|---|
| 1202 | 50 | 2202 | 25 | Claims in excess of 20 |
| 1201 | 200 | 2201 | 100 | Independent claims in excess of 3 |
| 1203 | 360 | 2203 | 180 | Multiple dependent claim, if not paid |
| 1204 | 200 | 2204 | 100 | **Reissue independent claims over original patent |
| 1205 | 50 | 2205 | 25 | **Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description | Fee Paid |
|----------------|-----------------|----------------|-----------------|--|----------|
| 1051 | 130 | 2051 | 65 | Surcharge - late filing fee or oath | |
| 1052 | 50 | 2052 | 25 | Surcharge - late provisional filing fee or cover sheet | |
| 1053 | 130 | 1053 | 130 | Non-English specification | |
| 1812 | 2,520 | 1812 | 2,520 | For filing a request for <i>ex parte</i> reexamination | |
| 1804 | 920* | 1804 | 920* | Requesting publication of SIR prior to Examiner action | |
| 1805 | 1,840* | 1805 | 1,840* | Requesting publication of SIR after Examiner action | |
| 1251 | 120 | 2251 | 60 | Extension for reply within first month | |
| 1252 | 450 | 2252 | 225 | Extension for reply within second month | |
| 1253 | 1,020 | 2253 | 510 | Extension for reply within third month | |
| 1254 | 1,590 | 2254 | 795 | Extension for reply within fourth month | |
| 1255 | 2,160 | 2255 | 1,080 | Extension for reply within fifth month | |
| 1401 | 500 | 2401 | 250 | Notice of Appeal | 500.00 |
| 1402 | 500 | 2402 | 250 | Filing a brief in support of an appeal | |
| 1403 | 1,000 | 2403 | 500 | Request for oral hearing | |
| 1451 | 1,510 | 1451 | 1,510 | Petition to institute a public use proceeding | |
| 1452 | 500 | 2452 | 250 | Petition to revive - unavoidable | |
| 1453 | 1,500 | 2453 | 750 | Petition to revive - unintentional | |
| 1501 | 1,400 | 2501 | 700 | Utility issue fee (or reissue) | |
| 1502 | 800 | 2502 | 400 | Design issue fee | |
| 1503 | 1,100 | 2503 | 550 | Plant issue fee | |
| 1460 | | 1460 | | Petitions to the Commissioner | |
| 1807 | 50 | 1807 | 50 | Processing fee under 37 CFR 1.17(q) | |
| 1806 | 180 | 1806 | 180 | Submission of Information Disclosure Stmt | |
| 8021 | 40 | 8021 | 40 | Recording each patent assignment per property (times number of properties) | |
| 1809 | 790 | 2809 | 395 | Filing a submission after final rejection (37 CFR 1.129(a)) | |
| 1810 | 790 | 2810 | 395 | For each additional invention to be examined (37 CFR 1.129(b)) | |
| 1801 | 790 | 2801 | 395 | Request for Continued Examination (RCE) | |
| 1802 | 900 | 1802 | 900 | Request for expedited examination of a design application | |

Other fee (specify)

* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)**500.00****SUBMITTED BY**Name (Print/Type) **GINGER R. DREGER, ESQ.**

Signature

Registration No. (Attorney/Agent)

33,055

Date

JANUARY 18, 2005**Complete (if applicable)**

Telephone

650-324-7000Customer No. **35489**

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop ___, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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